

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

ROBERT MONTGOMERY THOMAS)
Plaintiff)

v.)

CHARLES DUANE BAKER, JR., in)
his official capacity as the elected)
Governor of Massachusetts;)

and,)

MAURA TRACY HEALEY, ESQ., in)
her official capacity as the elected)
Massachusetts Attorney General;)

and,)

MASSACHUSETTS DEPARTMENT)
OF PUBLIC HEALTH AND ITS)
Director, MONICA BHAREL, MD,)
MPH, in its/her official capacity as)
an appointed Agency/Director, not)
accountable to the voters)
Defendants)

Civil Action No.
20-11438-FDS

**MOTION FOR DEFAULT SUMMARY JUDGMENT;
THE REQUESTED INJUNCTIVE RELIEF, AND
THE AWARDING OF ALL COSTS OF PROSECUTION
TO PLAINTIFF AND THE FEDERAL COURT SYSTEM**

Now comes Plaintiff Montgomery Thomas seeking **Summary Judgment by Default**, along with requested **Injunctive Relief** and the **Award of all costs** of prosecution to Plaintiff and to the federal court system for its cost of *forma pauperis* waivers from the U. S. District Court for the District of Massachusetts and the U.S. Court of Appeals for the First Circuit.

1. On September 24, 2020, Plaintiff personally hand-delivered four (4) copies of the required summonses and Statements of Jurisdiction for each defendant and the Court Clerk's Office, along with Certificates of Service in the time-stamping drop box located just beyond the security station of the U.S. District Courthouse for the District of Massachusetts. Said summonses and statements were entered into the Docket on September 28, 2020 by Danielle Kelly. [*See* Certified Docket at (10)]. In a later phone call with Ms. Kelly, Plaintiff was advised that said summonses and statements would be served upon the three (3) defendants by federal marshals.

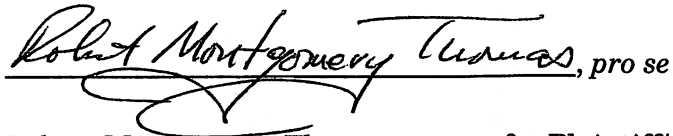
2. Also on September 24, 2020, Plaintiff sent all three (3) defendants Court-house date-stamped copies of the summonses, with Certificates of Service, from the central U.S. Post Office in Boston, just blocks from the federal Courthouse.

3. In said summonses, defendants were commanded by “*shall* answer to the Plaintiff... [W]ithin 21 days” and that failing to do so, “judgment by default would be entered against [them]”. The 21-day timeframe ended, for the sake of argument *and* generosity to the defendants, on October 30, 2020. *Consequently*, the three defendants have been in default, again for the sake of argument *and* generosity to the defendants, for a few days less than three (3) calendar months.

4. While the defendants might see fit to spit in the face of the Plaintiff and ignore him because they know they are/were wrong, but somehow feel “superior”, (like intelligentsia), Plaintiff is puzzled that the US District Court for the District of Massachusetts, and now perhaps, the United States Court of Appeals for the First Circuit, would allow the defendants to spit in the face of the Courts and federal law.

5. Since July 30, 2020, Plaintiff has given defendants more than ample time to address this Action, and the alleged “COVID-19” p[l]andemic thrust upon the United States of America, with a workable solution that would benefit Plaintiff, and yes, the populace. As is said on the docks, “It’s past the time to fish or cut bait.”

Respectfully submitted,

Handwritten signature of Robert Montgomery Thomas in cursive script, with the words "pro se" written in a smaller, simpler font to the right of the signature.

Robert Montgomery Thomas, *pro se*, for Plaintiff/Appellant.

20 Humphrey Street, Unit 8

Weymouth, MA 02189-1850

Phone: 781-812-4731 (Please note and record Plaintiff's new phone number)

Email: bobmontgomerythomas@gmail.com

Dated January 25, 2021

Att: Copies of summonses, Statements of Jurisdiction and Certificates of Service;
Copy of page two of Certified Civil Docket issued 1/20/2021; and
Certificate of Service for this Motion for Judgment by Default